

Broward SLI

State Legislative Information

2017 Session – Week Five
April 3-7, 2017

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The Office of Intergovernmental Affairs and Professional Standards (OIAPS) continues to provide updates and tweets to keep you up-to-date. We encourage you to follow us at [@BrowardSLI](https://twitter.com/BrowardSLI).

FLORIDA ASSOCIATION OF COUNTIES (FAC) LEGISLATIVE DAY



Annually, FAC hosts a countywide Legislative Day in Tallahassee. On April 5th, commissioners and staff came to Tallahassee to assist in lobbying efforts to protect home rule and prevent unfunded mandates. Participants received a Legislative Briefing from FAC staff, and many thereafter attended the House Ways and Means Committee to testify against an increase in the second homestead tax exemption. Mayor Sharief, Commissioner Udine, and Commissioner Geller attended the FAC Legislative Day activities.

On Thursday, April 6th, Mayor Sharief, along with FAC President Commissioner Bryant, President of FAC and other county commissioners from around the state held a press conference to address concerns with the high level of attack on local home rule authority being seen during this year’s legislative Session. State

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legislators, this Session, have introduced and considered numerous bills to preempt or otherwise restrict the home rule powers of Florida’s counties and cities.

BUDGET UPDATE 2.0

As noted in our update last week, each chamber’s Appropriations Committee discussed and approved a proposed budget for FY 2018. The Appropriations Committees also approved proposed implementing bills and budget conforming bills, which conform state policy to each chamber’s proposed budget plans. As mentioned last week, the Coral Reef Disease Water Management Program went unfunded; however, as approved by the Senate Appropriations Committee, \$1 million has been allocated for this program; however, there is still no funding proposed in the House plan.

Budget materials for the Senate

<http://flsenate.gov/Session/Appropriations/2017>.

Budget materials for the House

<http://myfloridahouse.gov/Sections/Documents/appropriations.aspx?SessionId=83&Session=2017>.

HOMESTEAD TAX EXEMPTION PROPOSAL MOVES THROUGH COMMITTEE

On Wednesday, April 5th, the House Ways and Means Committee approved (13-6) a proposed constitutional amendment (WMC 17-04) that increases the second homestead tax exemption. The proposed amendment increases the current homestead exemption by an additional \$25,000, exempting the assessed value of property between \$75,000 and up to \$100,000. Rep. La Rosa introduced the proposed amendment, citing it as “good for homeowners who need a break”. Several county officials attending the committee meeting, spoke against the proposal, emphasizing it was a tax shift, not a tax cut, as touted by proponents. In particular, many commissioners noted that the proposal would result in businesses and non-homestead property owners paying a larger share of property taxes to address the number of properties eliminated from the tax rolls. Rep. Jacquet, a former city commissioner from Delray Beach, proposed an amendment to triple the exemption from \$75,000 to \$150,000. In other words, Rep. Jacquet’s amendment would exempt \$125,000 of the first \$150,000 in value of homesteaded property. However, after a lengthy discussion by the committee, he withdrew the amendment with the promise of additional discussions with Rep. La Rosa in order to discuss it further with staff.

The state Revenue Estimating Conference projected that, if approved by voters, local governments will see non-school property-tax revenue drop by \$752.7 million beginning FY 2020 and increasing to over \$816 million in FY 2021. The Office of Management and Budget has estimated that Broward County would see property tax revenues decrease by \$38 million a year, alone if the proposed amendment passes the legislature and is

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approved by voters. The Senate companion measure ([SJR 1774](#)) is awaiting consideration in the Appropriations Subcommittee on Finance and Tax.

WORKER COMPENSATION

On April 4th, [SB 1582](#), by Sen. Bradley, relating to Worker's Compensation Insurance was approved in the Senate Banking and Insurance Committee (7-1). SB 1582 amends several provisions of Florida's workers' compensation law, Chapter 440, F.S., and provisions of the Insurance Code, which governs the rate making approval process for many, but not all, providers of workers' compensation coverage. As passed, the bill:

- ✚ Increases temporary total disability benefits and temporary partial disability benefits from 104 weeks to 260 weeks.
- ✚ Amends the attorney fee provision to require the Judge of Compensation Claims (JCC) to consider certain factors in determining if the attorney fees should be increased or decreased, based on a maximum hourly rate of \$250; removes the criminal penalty for claimant attorneys receiving fees that are not approved by the JCCs, thereby allowing claimants to enter into retainer agreements; and eliminates the attorney fee cap of \$1,500 on medical-only claims.
- ✚ Requires greater specificity in the information that must be provided in petitions for benefits filed with the Office of Judges of Compensation Claims (OJCC), such as the specific date of maximum medical improvement and the specific date that permanent benefits are claimed to begin.
- ✚ Clarifies that deadlines within multiple provisions relating to medical care are based on business days, not calendar days.
- ✚ Revises the workers' compensation rating law to implement a loss cost rating, which requires each insurer to seek approval for rates based on aggregate claim information filed by a rating organization with individual company data (loss cost multipliers), being used for the final rate, subject to approval by the Office of Insurance Regulation (OIR).
- ✚ Limits defense and cost containment expenses of insurers to 15 percent of incurred losses, and provides that excessive defense and cost containment fees must be returned to policyholders.

The House companion, [HB 7085](#) by Rep. Burgess, passed the House Commerce committee as a committee substitute on a vote of 20-9. Before approving the bill, the Commerce Committee adopted three amendments offered by the bill sponsor. The first amendment made several changes relating to claimant attorney fees, including:

- ✚ Requiring the filing of claimant attorney hours before the pre-trial hearing and the final hearing;
- ✚ Providing that the judge of compensation claims (JCC) must determine and remove from the calculation of a departure fee any claimant attorney hours related to issues the claimant lost;

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- ✚ Using defense attorney rates, rather than claimant attorney rates, to determine eligibility for and calculation of the departure fee;
- ✚ Revising the factors a JCC will consider to determine the hourly rate for departure fees.
- ✚ Capping the hourly rate for departure fees at \$150 per hour;
- ✚ Removing the annual adjustment and publication of the hourly rate limit;
- ✚ Increasing a JCC's discretion and requiring specific detailed findings on certain issues related to the eligibility for and calculation of a departure fee;
- ✚ Allowing the workers' compensation carrier to petition for secondary review of an award of a departure fee; and
- ✚ Modifying current law to allow an alternative minimum attorney fee of \$150 per hour, not to exceed \$1,500, in all medical-only cases, rather than only once per case.

The second amendment clarified that the maximum duration of temporary total and temporary partial disability benefits combined is 260 weeks, subject to an exception. The third and final amendment required an injured worker to receive and acknowledge a specific notice about workers' compensation attorney fees prior to engaging an attorney; required a good faith effort by the claimant and their attorney to resolve disputes prior to filing a petition; and required documentation of the signed notice and good faith effort as part of a petition for benefits, subject to dismissal without prejudice. Additional amendments filed by Democratic members were defeated. CS/HB 7085 is now ready for consideration by the full House chamber. SB 1582 on the other hand, must still be considered in the Senate Appropriations and Rules committees before heading to the Senate chamber for a full vote.

COUNTY OFFICER LEGISLATION TEMPORARILY HALTED

On April 4th, [SJR 134](#), by Sen. Artiles was temporarily postponed in the Senate Judiciary Committee. Although, SJR 134 was amended to clarify that the office of sheriff could not be abolished, its duties transferred to another office, its term changed or, or the manner of selecting a sheriff otherwise modified, pursuant to a county charter, except by an election of the electors of the County, there remained strong opposition from many counties. Similarly, [HJR 721](#), by Rep. Fischer was slated to be considered by the House Government Accountability Committee on Thursday, April 6th; however, the bill was also temporarily postponed.

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TNC LEGISLATION PASSES IN HOUSE; READY FOR SENATE APPROVAL



A bill, [HB 221](#), backed by Transportation Network Company (TNC) providers (Uber, Lyft, etc.), which imposes a statewide regulatory framework and insurance requirements on ridesharing applications and TNC drivers unanimously passed the House chamber April 5th. On April 6th, [SB 340](#) – Transportation Network Companies, by Sen. Brandes, was approved in the Rules committee (10-1). While the bill preempts local regulation of TNCs, SB 340 allows counties airport and seaport authorities to charge access fees on the same basis as fees are charged to taxi cabs, and to regulate airport and seaport staging areas for TNC drivers. SB 340 is now on 2nd reading in the Senate.

SCHOOL READINESS INSPECTIONS FUNDING DISCUSSED WITH GOVERNOR'S OFFICE

On April 6th, Intergovernmental Affairs staff, Human Services Director Kimm Campbell, and Child Care Licensing and Enforcement Administrator, Deborah Meidinger Hosey, met with representatives from the Governor's Office, the Department of Children and Families (DCF), and Office of Early Learning (OEL) to discuss funding for new school readiness inspections at childcare facilities in Broward County. While the County is not legally bound to conduct such inspections for the state, the County informed OEL it would conduct the needed inspections if the County's costs were paid. The County requested that the Governor's office find funding within the current budget, or increase the amount of money (\$104,000) allocated to OEL to include funding for Broward County in FY 2018-2019. The County's request of the DCF and OEL is to be compensated to provide readiness inspections, as the Governor's office included funding requests for Palm Beach and Hillsborough Counties in its proposed budget for FY 2018-2019. As of now, funding for Hillsborough and Palm Beach Counties is included in the Senate budget – with no match in House budget.

CONSTRUCTION LEGISLATION PASSES FINAL HOUSE COMMITTEE

On April 6th, [CS/HB 1021](#), by Rep. Avila, relating to Construction was unanimously approved by the House Commerce Committee – its last committee of reference. The amended bill addresses the industry's labor shortage by requiring the Department of Education (DOE) and Department of Economic Opportunity (DEO) to create a study on how to implement the recommendations made by the Construction Industry Workforce Taskforce (CIWF). As amended, HB 1021 also allows manufacture and sale of solar energy systems in Florida that meet the standards established by a "recognized certifying entity," which means any entity that certifies equipment that collects and uses incident solar energy pursuant to standards established by the National Renewable Energy Laboratory (NREL). However, NREL does not set such standards. The bill also:

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- ✚ Prohibits a political subdivision from adopting or enforcing ordinances or building permit requirements that conflict with corporate trademarks, service marks, logos, color patterns or other corporate branding on real property in connection with business activities related to the sale of liquid fuels or other franchises; providing for preemption of certain local laws and regulations; and providing for retroactive applicability;
- ✚ Requires the Florida Building Commission (FBC) eliminate duplicate reporting requirements for HVAC and electrical systems, and authorize electrical or mechanical engineers to provide reports in addition to licensed design professionals;
- ✚ Prohibits the FBC from adopting national energy conservation standards related to automatic lights;
- ✚ Prohibits local jurisdictions from requiring painting permits for homeowners; and
- ✚ Prohibits local governments from requiring a separate water connection for a residential fire sprinkler system for a dwelling if the dwelling's original water connection is adequate and prohibits a local government from charging certain fees for larger water meters.
- ✚ Amends §553.791, concerning alternative plans review and inspections, to express legislative intent that owners and contractors not be required to pay extra costs when using a private provider to review plans and conduct building inspections. The amendment requires that local governments calculate savings and reduce permit fees to owners and contractors.
- ✚ Exempts solar energy systems manufactured or sold in Florida from having to meet standards established by the Florida Solar Energy Center of the University of Central Florida, if the systems are certified by a licensed engineer using standards contained in the Florida Building Code.

The bill is now being prepared to go before the full House chamber for consideration. The Senate companion, [SB 1312](#), by Sen. Perry is in its second committee of reference – Community Affairs.

CRA'S KEEP CHANGING AND KEEP MOVING

On April 5th, [CS/CS/HB 13](#), by Rep. Raburn, relating to Community Redevelopment Agencies (CRAs), was approved by the House Ways and Means Committee by a 14-5 vote. The bill now moves on to its last committee of reference – Government Accountability. As reported previously, the Community Redevelopment Act authorizes counties and municipalities to create CRAs as a means of redeveloping slums and blighted areas. CRAs are controlled by a governing board that either is composed of members of the local governing body creating the CRA or commissioners appointed by the local governing body.

Prior to committee approval, the bill was amended to increase the accountability and transparency for CRAs by:

- ✚ Requiring the governing board members of a CRA to undergo 4 hours of ethics training annually;

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- ✚ Requiring each CRA to use the same procurement and purchasing processes as the creating county or municipality;
- ✚ Expanding the annual reporting requirements for CRAs to include audit information and performance data and requiring the information and data to be published on the agency website;
- ✚ Providing that moneys in the redevelopment trust fund may only be expended pursuant to an annual budget adopted by the board of commissioners of the CRA and only for those purposes specified in current law beginning October 1, 2017;
- ✚ Requiring a CRA created by a municipality to provide its proposed budget, and any amendments to the budget, to the board of county commissioners for the county in which the CRA is located by a time certain; and
- ✚ Requiring counties and municipalities to include CRA data in their annual financial report.

The bill also prohibits the creation of new CRAs on or after October 1, 2017 and provides for the eventual phase-out of existing CRAs at the earlier of the expiration date stated in the agency's charter or on September 30, 2037, with the exception of those CRAs with any outstanding bond obligations. However, phase-out may be prevented if a supermajority of board members serving on the board that created the CRA vote to retain the agency. The bill provides a process for the Department of Economic Opportunity to declare a CRA inactive if it has no revenue, expenditures, and debt for three consecutive fiscal years.

On April 3rd, the Senate companion bill, [CS/SB 1770](#), was approved by the Senate Community Affairs committee with a 5-3 vote. The bill is ready to be considered by the Senate Appropriations Subcommittee on Transportation, Tourism, and Economic Development, its second committee of reference.

WATER RESOURCES BILL READY FOR FLOOR VOTE

On April 5th, the Senate Appropriations Committee approved [CS/SB 10](#), by Sen. Bradley with a 16-2 vote. CS/SB 10 establishes options for providing additional water storage south of Lake Okeechobee, including the following:

- ✚ Everglades Agricultural Area (EAA) reservoir project with the goal of providing a minimum of 240,000 acre-feet of water storage; and
- ✚ C-51 reservoir project with the goal of providing approximately 60,000 acre-feet of water storage.

The bill also establishes a revolving loan fund to provide funding assistance to local governments and water supply entities for the development and construction of water storage facilities and revises the use of the Water Protection and Sustainability Program Trust Fund to include the water storage facility revolving loan program. In particular, CS/SB 10 provides the following appropriations for the 2017-2018 fiscal year:

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- ✚ The sum of \$30 million in nonrecurring funds from the LATF is appropriated to the Everglades Trust Fund for the purposes of acquiring land or negotiating leases, or for any cost related to the planning or construction of the EAA reservoir project.
- ✚ The sum of \$3 million in nonrecurring funds from the LATF to the Everglades Trust Fund for the purposes of developing the post-authorization change report and the sum of \$1 million in nonrecurring funds from the LATF to the Everglades Trust Fund for the purposes of negotiating Phase II of the C-51 reservoir project.
- ✚ The sum of \$30 million in nonrecurring funds from the LATF to the Water Resource Protection and Sustainability Program Trust Fund for the purposes of implementing Phase I of the C-51 reservoir project as a water storage facility.

The bill is a priority for Senate President Joe Negron. However, there is no companion measure in the House at this time.